

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CT-3161-FL

LANCE ADAM GOLDMAN,

Plaintiff,

v.

JERRY R. TILLET, et al.,


Defendants.

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ORDER

This matter comes before the court on plaintiff Lance Adam Goldman's motion for voluntary dismissal (DE # 4). An action may be dismissed voluntarily by plaintiff without order of the court by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R.Civ. P. 41(a)(1). Otherwise an action shall not be dismissed on the plaintiff's request except upon an order of the court. See Fed. R.Civ. P. 41(a)(2). At this point, defendants have not been served, nor have they filed any responsive pleadings. Accordingly, plaintiff's motion for voluntary dismissal pursuant to Rule 41(a)(1) is GRANTED, and the action is DISMISSED without prejudice.

SO ORDERED, this 8th day of December, 2010.


LOUISE W. FLANAGAN
Chief United States District Judge